

## Victor Essen

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**From:** Victor Essen  
**Sent:** Friday, December 21, 2018 11:32 AM  
**To:** Martina Bernstein (MartinaB@petaf.org)  
**Cc:** Jared Goodman (JaredG@PetaF.org); Debbie Champion  
**Subject:** MPF v. PETA - Request for Second Deposition of Casey

Martina:

This e-mail will respond to your request for a second deposition of Ms. Casey in this matter.

Based on our correspondence and conversation, the stated justification for your seeking a second deposition of Ms. Casey is your contention that discovery responses were incomplete and that new items have been produced in response to your discovery requests. It should be noted that you were aware at the time of Ms. Casey's October 29 deposition that much discovery remained outstanding and the need for us to produce further e-mails and photos. Nonetheless, in that deposition, you exceeded the seven hour time allowed under the rules of civil procedure without reserving any additional time for any further inquiry upon the completion of further discovery.

As we understand it, your position is that you are entitled to a second deposition with no time limitation, and that you are entitled to costs for travel and the time associated with a second deposition of Ms. Casey as a sanction of some sort.

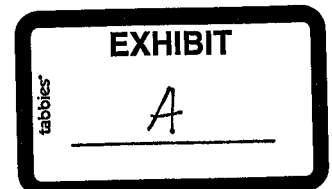
Your last proposal to resolve the matter, which appears to be made on a take it or leave it basis, is that you would agree not to seek costs and take the second deposition remotely either by phone or through video conferencing of some sort. You also would agree to limiting the subject matter of the questioning to only items identified in more recently produced items. However, you would not agree to a time limitation on that deposition.

Without some sort of agreement on a time limitation, there is no way to ensure that this second deposition is reasonably related to any newly identified items arising out of recent discovery.

We have offered to have Ms. Casey available to address issues related to newly produced material in a second deposition, but we believe that such a deposition should be limited to no more than an hour in order to ensure that it is reasonably limited to any new information. We believe that is more than adequate and remain open to presenting Ms. Casey for a second deposition if you agree to limit the time to one hour.

Sincerely,

Victor H. Essen, II  
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